

AGENDA

BOARD OF ZONING APPEALS MAY 18, 2004

COUNCIL CHAMBERS 7:30 P.M.

CALL TO ORDER

ROLL CALL

ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 20, 2004

RENEWAL ITEMS

ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4

ITEM #3 – RENEWAL REQUESTED. REVEREND PAUL STOVER, EVANSWOOD CHURCH OF GOD, 2601 E. SQUARE LAKE, for relief to maintain a landscaped berm in place of the 4'-6" high masonry wall required along the west side of off-street parking and deletion of the 4'-6" high masonry wall required along the north side of off-street parking.

SUGGESTED RESOLUTION. MOVED, to grant Reverend Paul Stover, Evanswood Church of God, 2601 E. Square Lake, a three (3) year renewal of relief to maintain a landscaped berm in place of the 4'-6" high masonry wall required along the west side of off-street parking and deletion of the 4'-6" high masonry wall required along the north side of off-street parking.

ITEM #4 – RENEWAL REQUESTED. REVEREND SIMION TIMBUC, BETHESDA ROMANIAN PENTECOSTAL CHURCH, 2075 E. LONG LAKE, for relief of the 4'-6" high masonry screening wall required along the east side of off-street parking.

SUGGESTED RESOLUTION. MOVED, to grant Reverend Simion Timbuc, Bethesda Romanian Pentecostal Church, 2075 E. Long Lake, a three (3) year renewal of relief of the 4'-6" high masonry screening wall required along the east side of off-street parking.

POSTPONED ITEMS

ITEM #5 – VARIANCE REQUESTED. MR. & MRS. PRADEEP, 3839 WAYFARER, for relief of the rear yard setback to construct additions to their home, which would result in 35.23' rear yard setbacks where Section 30.10.04 requires a 40' minimum rear yard setback in R-1C Zoned Districts.

VARIANCE REQUESTS

ITEM #6 – VARIANCE REQUEST. MR. & MRS. MIKE RYAN, 6750 LIMERICK LANE, for relief of Section 40.50.04 and of the Ordinance, which prohibits expansions of non-conforming structures in a way that increases the conformity to construct an addition to their home which has an existing 30' – 10" rear yard setback which would result in a 31' rear yard setback to the addition, where a minimum 45' rear yard setback is required by Section 30.10.01.

ITEM #7 – VARIANCE REQUEST. MIKE ELIAS, 5991 LIVERNOIS, for relief to construct a new gasoline/convenience store to replace the existing store at 5991 Livernois. The site is only 13,382 square feet where Paragraph B of Section 23.30.02 requires at least 15,000 square feet of land. The petitioner is also asking for reductions in the setbacks required to the edge of the pump canopy, canopy support and pump island as required by Paragraph G of Section 31.30.00. In addition, a minimum of 1,138 square feet of countable landscaping is required by Section 39.70.04 for a site this size. The plans indicate that only 647 square feet of countable landscaping will be provided.

OTHER BUSINESS

ITEM #8 – ELECTION OF CHAIRMAN & VICE-CHAIRMAN FOR BOARD OF ZONING APPEALS

AGENDA EXPLANATION

BOARD OF ZONING APPEALS

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2. RESOLVED, that Item #3 and Item #4 (with the exception of Item(s) _____) are hereby approved in accordance with the suggested resolutions printed in the Agenda Explanation.

Motion by
Supported by

3. Reverend Paul Stover, 2601 E. Square Lake. Petitioner is requesting renewal of relief granted by this Board to provide a berm in place of the 4'-6" high wall on the west side of off-street parking and deletion of the 4'-6" high wall required along off-street parking on the north side of the property. This relief was originally granted in 1995 based on the fact that the property immediately north of the parking lot is wetlands and has substantial growth. This item last appeared before this board at the meeting of May 2001 and was granted a three (3) year renewal at that time. Conditions remain the same and we have no complaints or objections on file.

SUGGESTED RESOLUTION. MOVED, to grant Reverend Paul Stover, 2601 E. Square Lake, a three (3) year renewal of relief to provide a berm in place of the 4'-6" high wall on the west side of off-street parking and deletion of the 4'-6" high wall required along off-street parking on the north side of the property.

- Conditions remain the same.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

4. Reverend Simion Timbuc, 2075 E. Long Lake. Petitioner is requesting renewal of relief granted by this Board of the 4'-6" high masonry-screening wall required along the east side of off-street parking. This relief has been granted on a yearly basis since May 1998. This item last appeared before this Board at the meeting of May 2003 and was granted a one-year renewal to allow the petitioner the opportunity to replace the dead shrubbery that was present; and also to allow the church the time needed to work with the City to determine what other type of screening can be provided.

SUGGESTED RESOLUTION. MOVED, to grant Reverend Simion Timbuc, 2075 E. Long Lake, a three (3) year renewal of relief of the 4'-6" high masonry-screening wall required along the east side of off-street parking.

- Conditions remain the same.
- There are no complaints or objections on file.
- Variance is not contrary to public interest.

AGENDA EXPLANATION

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5. Mr. & Mrs. Pradeep, 3839 Wayfarer. Petitioners are requesting relief of the rear yard setback to construct additions to their home. The site plan submitted indicates separate dining room and master bedroom additions on the rear of the home with proposed 35.23' rear yard setbacks to each one. Section 30.10.04 requires 40' minimum rear yard setbacks in R-1C Zoned Districts.

This item first appeared before this Board at the meeting of April 20, 2004. This request was postponed until this meeting to allow the petitioners to meet with the Architectural Committee to bring back their recommendations to the Board.

6. Mr. & Mrs. Michael Ryan, 6750 Limerick Lane. Petitioners are requesting relief of the rear yard setback to construct an addition to their home. Section 30.10.01 requires a 45' minimum rear yard setback in R-1A Zoning Districts. The site plan submitted indicates the existing house has a 30' – 10" rear yard setback. The plans indicate an addition onto another portion of the home that will have a 31' setback to the rear property line. Section 40.50.04 of the Ordinance prohibits expansions of non-conforming structures in a way that increases the non-conformity.

7. Mike Elias, 5991 Livernois. Petitioner is requesting relief of the Ordinance to construct a new gasoline/convenience store to replace the existing store located at 5991 Livernois. Paragraph B of Section 23.30.02 requires at least 15,000 square feet of land for a gasoline station in the H-S (Highway Service) Zoning District. The site plan submitted indicates that this site is only 13,382 square feet in size.

Paragraph G of Section 31.30.00 requires that front setbacks of 25' are provided to the edge of a pump canopy, 30' are provided to the pump island, and 35' are provided to the canopy support. The plans submitted indicate a canopy edge setback of 15', a canopy support setback of only 25', and a setback of approximately 22.5' from the pump island to the east property line along Livernois.

In addition, a minimum of 1,138 square feet of countable landscaping is required by Section 39.70.04 for a site this size. The plans indicate that only 647 square feet of countable landscaping will be provided.

It should be noted that in order for the petitioner's plans to be approved he would also require a variance for the requirement for 6 additional parking spaces. The public hearing on that request is scheduled to be heard before City Council on May 24, 2004.

8. Election of Chairman and Vice-Chairman for the Board of Zoning Appeals – terms to expire May 31, 2005.